

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

CARSON OPTICAL, INC.	)	
	)	
Plaintiff,	)	CIVIL ACTION NO.
	)	7:07-CV-08020 (SCR)
v.	)	
	)	
TELEBRANDS CORP., and	)	
WALLET LIGHT USA, LLC	)	
	)	NOVEMBER 15, 2007
Defendants.	)	

**CIVIL CASE DISCOVERY PLAN AND SCHEDULING ORDER**

The following Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel for the parties, pursuant to rules 26(f) and 16 of the Federal Rules of Civil Procedure. **(Note: all proposed dates should be for weekdays only)**

The case is to be tried to a jury, as Defendants have requested a jury in their pleading.

Joinder of additional parties must be accomplished by **[The parties do not contemplate joining additional parties to this action.]**

Amended pleadings may be filed with **[The parties do not expect to amend their pleadings.]**

**Discovery:**

1. Initial Interrogatories are to be served by all counsel no later than 2/4/08, and responses to such interrogatories shall be served within thirty (30) days thereafter. The provisions of Local Civil Rule 33.3 shall not apply to this case.

2. First request for production of documents, if any, to be served no later than **2/4/08**.
3. Depositions to be completed by **6/30/08**.
  - a. Unless counsel agree otherwise or the Court so orders, depositions are not to be held until all parties have responded to any first requests for production of documents.
  - b. Depositions shall proceed concurrently.
  - c. Whenever possible, unless counsel agree otherwise or the Court so orders, non-party depositions shall follow party depositions.
4. Any further interrogatories, including expert interrogatories, to be served no later than **4/30/08**.
5. Requests to Admit, if any to be served no later than **6/30/08**.
6. Additional provisions relating to discovery agreed upon by counsel for the parties are as follows and made a part hereof:
  - (a) Any further request for production of documents, to be served no later than **4/30/08**.
  - (b) Fact Discovery is to be complete by **6/30/08**.
  - (c) Opening expert reports, if any, to be served by **7/18/08**.
  - (d) Rebuttal expert reports, if any, to be served by **8/1/08**.
  - (e) Expert Depositions, if any, to be completed by **8/31/08**.
  - (f) Expert Discovery is to be complete by **8/31/08**.
  - (g) Dispositive motions shall be filed on or before **9/30/08**.

7. All discovery is to be complete by 8/31/08.

**Initial Case Management Conference March 14<sup>th</sup>, 2008 @ 10:00 a.m.. (To be Completed By Court) (Counsel in receipt of this scheduling order is to notify their adversary of the date and time of this Initial Case Management Conference.)**

Joint Pretrial Order is required only if counsel for all parties agree that it is desirable, or the Court so orders.

This case has been designed to the Hon. \_\_\_\_\_, United States Magistrate Judge at White Plains for discovery disputes if the Court is "unavailable" and for trial under 28 U.S.C. § 636(c) if counsel execute their consent in writing.

Unless otherwise ordered by the Court, the parties are expected to commence discovery upon the receipt of this signed Scheduling Order.

Strict compliance with the trial readiness date will be required. This Plan and Order may not be changed without leave of the Court, except that upon signing a Consent for Trial Before a United States Magistrate Judge, the Magistrate Judge will establish an agreed date certain for trial and will amend this Plan and Order to provide for trial readiness consistent with that agreed date.

White Plains, New York

SO ORDERED

Dated: \_\_\_\_\_

\_\_\_\_\_  
Stephen C. Robinson U.S.D.J.

Dated: 11/26/07

Respectfully submitted,

CARMODY & TORRANCE

By:



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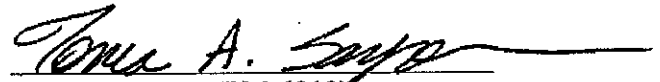
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**Attorneys for Defendants**

**Telebrands Corporation and Wallet**

**Light USA, LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that on November 26, 2007, a copy of the foregoing **CIVIL CASE DISCOVERY PLAN AND SCHEDULING ORDER** was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent to the following counsel of record for the interested parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's system.

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